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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JOSE JESUS GUTIERREZ VASQUEZ,)
Petitioner,)
v.)
MICHAEL CHERTOFF, Secretary of)
Homeland Security; JULIE L. MEYERS,)
Assistant Secretary for Immigration and)
Customs Enforcement; ALBERTO)
GONZALES, Attorney General; UNITED)
STATES IMMIGRATION AND)
CUSTOMS ENFORCEMENT; UNITED)
STATES DEPARTMENT OF)
HOMELAND SECURITY,)
Respondents.)

No. C-06-6664-PJH

**STIPULATION TO EXTEND DEADLINE
FOR FILING A RESPONSE TO THE
COURT'S ORDER TO SHOW CAUSE**

The petitioner, by and through his attorneys of record, and respondents, by and through their attorneys of record, hereby stipulate, subject to the approval of the Court, to an extension of time within which the respondents may file a response to the Order to Show Cause (OSC) issued by this Court on April 24, 2007.

(1) The petitioner filed a petition for writ of habeas corpus with this Court on October 26, 2006, alleging that he received ineffective assistance of counsel in connection with the filing and prosecution of a petition for review in the United States Court of Appeals for the Ninth Circuit.

STIPULATION TO EXTEND DEADLINE FOR FILING RESPONSE TO OSC
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1 *See Gutierrez-Vasquez v. Gonzales*, Appeal No. 04-73084.

2 (2) This Court issued an OSC on April 24, 2007, directing the government to file a brief
3 within 30 days addressing whether this Court has jurisdiction over the habeas petition in light of
4 the REAL ID Act of 2005.

5 (3) The parties have been exploring a means of resolving this habeas petition, as well as the
6 petition for review that is pending at the Ninth Circuit.

7 (4) On May 3, 2007, the government filed an unopposed motion with the Ninth Circuit to
8 suspend the briefing schedule in that case until at least July 9, 2007.

9 (5) While the parties explore the possibility of resolving these cases, the parties believe that an
10 extension of the deadline for filing a brief in response to this Court's OSC is warranted as a means
11 of conserving the resources of the parties and this Court.

12 (6) It is anticipated that the parties will know within a few months whether this case may be
13 resolved without further action by this Court.

14 Accordingly, the parties respectfully ask this Court to extend the deadline for the government
15 to file its brief in response to the Court's OSC to August 10, 2007.

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2 Date: May 7, 2007
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Respectfully submitted,

4 SCOTT N. SCHOOLS
United States Attorney
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6 /s/
7 EDWARD A. OLSEN
Assistant United States Attorney
Attorneys for Respondents
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9 Date: May 7, 2007
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/s/
11 JENNIFER C. CHANG
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION IMMIGRANTS' RIGHTS PROJECT
Attorneys for Petitioner
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14 ORDER
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16 Pursuant to stipulation, IT IS SO ORDERED.
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18 Date: May 9, 2007
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